A REMONSTRANCE OF SOME Fallacies and Miſtakes,

Whereof the

INFORMERS

Who have hitherto attempted againſt

THE HOUSE OF THE STILLYARD,

Suppreſsing the Truth, and by Falſe Suggeſtions deceiving at once thoſe who do not heed, and thoſe who are ignorant of the Matter, or at leaſt thoſe who are too credulous, have made uſe of.

WITH

Particular ANSWERS to all, and a Concluſion and Petition on every Point.

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Boekell (Martin)

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A

REMONSTRANCE

OF SOME

Fallacies and Miſtakes,

Whereof the *Informers* who have hitherto attempted againſt the Houſe of the *Stillyard*, ſuppreſſing the Truth, and by falſe Suggeſtions deceiving at once thoſe who do not heed, and thoſe who are ignorant of the Matter, or at leaſt thoſe who are too credulous, have made uſe of.

With particular ANSWERS to all, and a Concluſion and Petition on every Point.

The Firſt Fallacy.

THey oftentimes pretend, and almoſt every where lay it for a ground, That the Right and Priviledges of the *Stillyard* have no other foundation but the meer Grace of the Kings in former Ages, not ſo well regarding the Intereſt of the People; and therefore at any time eaſily revocable.

But this is a miſtake, As if the *Hanſe-Towns* had obtained theſe Rights through the meer Grace of the Kings; for they profeſs to have merited the ſame,

1 By Supplies and Aids at their great Expences, in former Ages adminiſtred to *England*, againſt the French and other Enemies.

2 By many valiant Conflicts for the *Engliſh*, and ſuppreſſing of their Enemies.

3 In lieu of Damages unjustly in former times sustained by the *English*.

Of and for all which *England* having in those times confessed it self unable to make Payment and Reparation, these Rights obtained the place of a Debt.

And this is most evident, and in expres words from the Agreements and Conventions of *Henry* the Third, the Treaty of *Utrecht* with *Edward* the Fourth, and many other Publick Writings, the Originals whereof are kept amongst the Records of the *Hanses* in their Chamber of *Lubeck*.

Hence it followeth,

1 That it is not true, That (as the *Informers* ever and anon assert) any of these Rights come to the *Hanse-Cities* to the prejudice and against the benefit of the people of *England*.

2 But on the contrary it is most true, That these Rights and Agreements are Obligatory on both sides.

3 And that indeed for ever; for as much as the Causes thereof are mutual, and oblige reciprocally.

4 And therefore cannot be revoked at the pleasure, or for the advantage of the one party, the other not consenting, without breach of that Law which is between Nation and Nation; no more then Goods once sold and delivered, can be recovered or claimed back by the Seller.

5 And although even the said Cities should consent to such Revocation, yet unless first Restitution and Reparation were made unto them of and for those Expences and Services, by which Ancient Merits they obtained these Rights, and of the Damages by them sustained, it were not just to deprive them thereof. And then they ought to be refunded,

1 Of those Auxiliary and Warlike Charges expended for the benefit of *England*, together with the Interest of Four hundred years.

2 Satisfaction ought to be given for the Services they did in those times of War.

3 The Damages ought to be repaired which were sustained by the *Hanses* so long since, with Interest for so long time past.

Which Damages alone, even as they then were confessed and calculated by the Parliament now above Two hundred years past, did exceed the sum of 200000 l.

200000 l *Sterling*. From which it may be easily apprehended to what vast sum of Debt the whole would amount, if all three, together with the accruing Interest, were to these times exactly computed.

6 And therefore they having for so many Ages past borne the Adventure of so high an Obligation, and the *Hanse-Cities* still not esteeming the same so much as they do the Amity and Mutual Correspondence of *England*; they think it equal that they should be so much the more reciprocally favored, and their Priviledges cherished, maintained, and by all good means augmented.

7 Much less beseeming would it be for no Default or Crime on their part, without recompence for so many Services and Expences, and that also upon false and frivolous Suggestions against the Laws of Amity, to cast them out either of their Possession, or those Liberties, Exemption from Taxes, and other their Rights by them obtained in perpetuity, as some *Informers* do endeavor to despoil them.

The Second Fallacy.

AS often as these Men discourse of the first Rise, Title, and Authority, by which the *Hanse-Cities* possess the *Stillyard*; they speak as if they had obtained the same without the knowledge, and against the consent of the people; and therefore they mention only the Kings Grants, but omit those of the Parliaments: And this to no other end, but to traduce and render the more odious their whole Right before the people, and those of the generality and all others, who are unversed in and ignorant of the Verity of their Case. Whereas indeed,

1 The Kings alone in their Private were not the sole Authors of these their Rights, but the same were also publickly seen, considered, approved, solemnly ratified and confirmed by the Parliaments: Of which Ratifications, the several Originals, together with the Kings Letters Patents, are to be found among the Records of the said *Hanses*.

2 As moreover in the same are Extant in Authentick Form, some Solemn Acts of the City of *London*, acknowledging and accepting the same Rights and Priviledges.

From

From hence it followeth,

1 That it is not true which the *Informers* feign, as if our Right did depend upon the sole authority and grant of the Kings.

2 But it is much less true, That the same were obtained without consent of the People; being the People is, and always will be representatively in the Parliaments.

3 That it is most untrue (as sometimes it is suggested) as if the same had been obtained by any sordid or unlawful means; yea the Opposers of our Rights (when at any time there have been such) by abusing the lenitie of the Kings, have indeed rather prevailed in whatsoever they obtained against us in former times, by sinister diversions of their grace and favor: And therefore the same having been detected, they have failed in their attempts, and hitherto our right hath remained entire.

4 Hence it appeareth, That our Right by the accession of the authority of Parliament is altogether become irrevocable: For as the People can never die, but that the People is alwaies judged to be the same, so also Parliaments meeting in the place of the People, do always represent the same and one Parliament. Wherefore however a lawful Parliament may abrogate the Acts of Kings, yet nevertheless it cannot revoke the Acts of a Parliament alike equally lawful; Forasmuch as *Par in parem non habeat imperium*; And it is to be believed they will not, as neither being consistent with the Commonweal, nor that one Parliament will easily do that to their predecessors, which it would not have done to it self by their successors.

The Third Fallacy.

BUt it is said, That all their Rights were granted under certain conditions and for some certain end, amongst which principally was the Exportation of English Clothes in such abundance, as the whole Nation should be sensible of the benefit thereof.

But that now no Clothes are any more exported by the *Hanses*, but that this Trade is reduced to the Merchants-Adventurers, and that they oftentimes in one year have exported more then double the number which the *Hanses* formerly exported in two or three years; And therefore the Condition and End ceasing, those Rights also ought to cease.

But,

But, 1 As to what concerns *England*, the benefit of the Trade of Clothing was not the ſole condition or cauſe of the *Hances* Right, but rather alone that the Nation of *England* ſhould be diſcharged of a vaſt Debt wherein it was obliged to the *Hanſes*; And at that time it was to them a great advantage, that the *Hanſe-Cities* would in ſatisfaction of this Debt rather accept ſome Rights and Priviledges for ſo great a Sum of money, which otherwiſe *England* was obliged to pay them.

2 So as there was not only regard had to the benefits which in future times *England* might reap by theſe Priviledges, but this principally was intended, that the *Hanſes* in the the coemption and exportation of Clothes ſhould for ever enjoy a prerogative above other Nations, and that for their known merits and the damages by them ſuſtained.

3 But moreover to clear this point, to what end or on what condition this was contracted, if it were ſo, it ought to have been expreſſed in the Convention it ſelf, being otherwiſe there might be many acceſſory Ends aſſigned of one and the ſame thing; Neither can every Condition have the force of a Reſolutive Agreement, but that alone which is ſo eſpecially inſerted in the Contract, that the ſame ceaſing, the Contract may be underſtood diſſolved, or ſuch as was the ſole and only cauſe of the Contract.

4 And this is worthy to be obſerved, That it is not to be imputed to the *Hanſes*, that they have not hitherto continued in the Exportation of Clothes. And no man, without it be by his own default, ought to be puniſhed.

Hence it followeth,

1 Being the *Hanſes* have obtained their Right by a very hard and chargeable Title, the ſame ought to remain unto them for ever and irrevocable.

2 Nor can the ſame be revoked or altered by a Condition however extrinſick and neceſſary.

3 As likewiſe neither one other acceſſory End ceaſing.

4 Much leſs for any cauſe of private benefit.

5 Being it is neither lawful naturally, to recede from ſuch a Contract on one party in reſpect of his own advantage againſt the conſent of the other party, who eſpecially is ſo much damnified.

6 And therefore these *Informers* go to work frivolously, whilst by such fallacies they seek to mislead the improvident and heedless.

The Fourth Fallacy---

IS almost of the same stuff as the former. They would have it be believed, that all the Right of the *Hanses*, and so their Right to the House of the *Stillyard* are become void, because forsooth the Corporation it self, (that is) the Body and Subject upon which that Right was conferred, is no more a Corporation: And so the Commerce of the said House ceasing, being intended for the Advantage of *England*, the Right it self should withal cease.

But,

1 It is before shewn, that the *Hanses* did not obtain the possession of the *Stillyard*, for this cause of Advantage to *England* only.

2 Neither that as it may be advantagious or profitable to one Party, a Contract can be presently rescinded or dissolved.

3 The objection it self, if it relate to the *Hanse-Cities* themselves, is manifestly false: For who can be ignorant, that the Confederation of the *Hanses* between these principal Cities, viz. *Lubeck, Breme, Hamburgh, Brunswick, Colen, Munster, &c.* doth not continue to this day? nor ever to have been extinguished? although of seventy two Cities (of which antiently they consisted) many, because of their decaied and weak estate, have withdrawn themselves, and others through their own default have been excluded the Society? There is nothing more certain then that hitherto they observe their Conventions, and jointly send forth their Ambassadors; and that in the publick Constitutions of *Germany*, as well antient as modern, they have an honorable place; and in *France, Spain, Sweden, Denmark, Mosco, Poland*, and the *Netherlands*, they both are acknowledged under their common Denomination, and also enjoy their Rights as a Body Confederate. But if this reflect on the Merchants residing in the House of the *Stillyard*, How can it be that their paucitie, and any act of theirs, can be any argument that the House it self should be taken from the *Hanse-Cities*?

Being,

1 That

1 That thoſe Merchants are not the Proprietors of the ſaid Houſe, but the ſaid Cities.

2 Nor if they were, have we hitherto ever heard it proved, that as yet they have committed or done any thing worthy to deprive them of this Right in Law.

3 And although they had committed any thing againſt the Law, yet, *Pœna ſuos tenere debet Autores.*

4 And for their ſmall Number, this alſo hath not come to paſs through their own fault; For the truth is, that they have by little and little been ſo diſcouraged by the *Engliſh*, that the reſt have given place.

5 The *Informers* themſelves uſe this for one principal Argument; *Strangers are to be reſtrained of the Engliſh Comerce.* But theſe are contraries, both to require and plainly to intend the exterminating of Foreign Merchants, and yet at the ſame time to puniſh ours by taking away their Rights for this cauſe, that being reduced to ſuch a paucitie, they do not exerciſe Trade here in greater number. This certainly is againſt all reaſon of Natural Juſtice, that he who for the benefit of another hath relinquiſhed part of his Right, ſhould be deprived of all the reſt for this onely cauſe, That he hath relinquiſhed a part.

6 And laſtly it is a Rule in Natural Reaſon, That a Colledge or Corporation which had its beginning in many, may yet be conſerved in three or two perſons.

Hence it followeth,

1 That it is plainly falſe and contrary to the moſt evident truth of the matter which is ſuggeſted, either of the taking away or of the ceaſing of this Corporation.

2 That it is not the queſtion, What profit at this day the Houſe of the *Stillyard* contributeth either publickly or privately to *England*, (for before the invalidity of this Argument is demonſtrated) but whether the *Hanſe-Cities* for their own benefit will, and yet may enjoy the ſame to their own commodity.

3 That even three or two, yea one Merchant in the name of the *Hanſe-Society*, doth conſerve the right of the *Hanſes*.

4 That the Delinquencies of any ſingle perſon (if any ſuch can be proved) do not prejudice the *Hanſes*, but reacheth alone the Authors.

5 That the Actions of ſingle perſons are to be diſtinguiſhed from the Cauſe of an whole Society.

6 And therefore theſe *Informers* both deceive themſelves, and alſo would impoſe on the Parliament and people of *England*, ſo often as they make uſe of this argument to impeach the Rights of the *Hanſe-Cities* in the Houſe of the *Stillyard*.

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The Fifth Fallacy---

IS the common benefit to this Commonwealth of *England* and the people, whilſt they ſay the Revenue would be augmented yearly Two thouſand pounds ſterling, if the Houſe of the *Stillyard* were ſeiſed: By which ſpecious inſinuation they not only deceive the incautelous, but ſeek to ſet the mouth of the people on water and to excite them againſt the *Hanſes*.

But,

1 It is before made appear, that between thoſe who are equal in right, no Right can be taken away from the one party for any conſideration of the commodity or profit of the other party.

2 And what Reaſon did ever juſtifie this for a Law, That it ſhould be lawful for me to take away that from another, which he poſſeſſeth by a Right obtained in perpetuity?

3 Alſo what profit can accrue by that which not only is repugnant to the Rules of Honeſty, but alſo would be prejudicial to the glory and renown of the Engliſh Nation?

4 But yet this alſo by which they plainly inſinuate the Publick Revenue to be impaired through the Houſe of the *Stillyard*, and from which they make up the accompt of Two thouſand pounds ſterl. *per annum*, hath never hitherto been proved, and is of it ſelf evidently falſe.

5 It is to be believed, that whatever profit from hence may be gained, is rather aimed at by ſome private Perſons, to their own Lucre, then for any intent to advance the Publick good.

6 If any publick benefit ought to be in this caſe aimed at, the moſt Renowned Parliament in their great wſdome, will rather judge and diſcern this point, Whether it were better for ſo ſmall and indeed unjuſt and inconſiderable a gain (for ſuch a ſum would no more add to the increaſe of the Treaſury of *England*, then the ſmalleſt drop of water would to the Britiſh Ocean)

Ocean) by meer Power to take away the Rights of the *Hanſe-Cities* with the hazard of the antient Amity and neighbouring *German* Comerce, (for all the Maratine Comerce of *Germany* is for the moſt part in thoſe Cities) or rather not to preſerve intire the Amity, and the Rights and intercourſe of Trade of above 400 years, not to ſay, to augment the ſame, which yet might be done to the great and mutual benefit of both parties.

Hence it followeth,

1 That it is a deceit and a meer empty pretect, whatever is in this Argument ſpecioufly inſinuated, concerning publick profit.

2 That on the other ſide it is more expedient, and for the Intereſt of *England*, that the Right of the *Hanſes* ſhould be preſerved, yea augmented.

The Sixth Fallacy---

IS, that ſome deceaſed Kings have before this taken poſſeſſion of the Houſe of the *Stillyard*, and that therefore the preſent poſſeſſion of the *Hanſe-Cities*, as afterwards obtained by force and intruſion, is unlawfull and unjuſt.

But,

1 Here is manifeſt falſe dealing, whilſt the Publick Acts are neither *bona fide*, nor fully alleadged, for they ſet forth the beginning of the Fact, but the defences and iſſue of the matter they wholly omit. They by peeces ſuggeſt that which one or other King, upon importune Petitions perhaps, before the Cauſe was fully examined, did reſolve to doe; They ſmother and take no notice of what followed thereupon, what reſolutions after hearing of the Cauſe and diſcovery of the Injuſtice of thoſe Petitions finally iſſued, and how this Cauſe ſuppreſſing all proceſs at the Common Law, was alwaies remitted to ſpecial Conventions, Conferences and Amicable Treaties.

2 But yet it never came to that point, that in the time of any King or Queen, the *Hanſes* were ever ejected out of their poſſeſſion.

3 For that the Queen did attempt to poſſeſs the Houſe of the *Stillyard*, it was not long; for ſtill and nevertheleſs the Cities did remain in continual and perpetual, as well Natural as Civil poſſeſſion, which the Fact it ſelf proveth, and is known to the whole World.

Hence it followeth,

1 It is falſe'y and abſurdly aſſerted, That the *Stillyard* having been formerly ſeiſed by the Kings, is devolved to the Demeans of this Commonwealth, and at this day ſo remains.

2 It is alſo a fable, that the *Hanſes* Repoſſeſſion is by force and Intruſion.

3 For how probable is it, that a few Merchants of the *Stillyard* could repoſſeſs themſelves by force and intruſion of any Eſtate in the face of Kings againſt their will, and particularly in oppoſition to Queen *Elizabeth*, or againſt the Parliaments, the City of *London* looking on and being Spectators? What force, what Intruſion could defend them againſt theſe Kings, Queen and Parliaments?

4 The *Hanſe-Cities* therefore have remained alwaies, and are at this day in lawful, perpetual and continued poſſeſſion of this Houſe: Lawful, becauſe obtained from the beginning upon more then valuable conſideration, and a moſt chargeable Title; perpetual, becauſe continued; continued, becauſe never interrupted.

The Seventh Fallacy.

THat this Cauſe is the Cauſe of the Revenue and Demean of the Commonwealth of *England*; that therefore of ſuch Cauſes the Barons of the *Exchequer* are competent Judges.

But,

1 Every cauſe whereby every Poſſeſſion and Right is pretended to be in the Demean of the Commonwealth, doth not appertain to thoſe Judges, but only in Caſes where the Action lies againſt either the Subjects of *England*, or any private Stranger uſurping againſt the Right of the Commonwealth: For theſe, becauſe they are ſubject to the Courts and Ordinary Judicatures of this Commonwealth, are rightly there convented; but this is not the Caſe of the *Hanſe-Society*, which being as to Comerce abſolutely free and at its own arbitrement, whatſoever is contracted is tranſacted as with a free Foreign people; ſo that the Confederacies, Pactions and Conventions made with them, and all Rights thereby obtained, cannot be brought before the ordinary Judicatories of *England*.

2. Otherwiſe

2 Otherwise it would follow from this Principle, That the Alliances and Contracts of all Kings and Republicks with this Commonwealth might be questioned in the same, and that all Foreign Nations hitherto have been bound to submit themselves unto these Judicatories; which can with no more Equity be done against Foreign Nations, then the People of *England* would think it just that the same were done to them abroad.

3 But moreover, these which are called the *Hanse*-Priviledges, are meer Contracts between this Commonwealth and those Cities; and therefore if any difference do arise about the same, the Controversie ought to be determined, not by the Private Judicatory of any one Party, but by Commissioners of both Nations.

The Eighth Fallacy.

LAstly, They conceive that the House of the *Stillyard* may be with good reason taken away, because the *Hanse-Cities* have planted other Residences of their Comerce, in *Norway*, *Moscovia*, *&c.*

But it is grounded upon no Reason; For when their Ancestors obtained these Priviledges of *England*, they were not limited for their Comerce to *England* alone, nor by any other condition were prohibited to Traffick any where else; yea, never any King or Parliament ever required, that they should not Traffick in any other place but *England*: And to say no more, These objections can no better be confuted, then by the notorietie of the fact, by which it is evident, That for above Three hundred years past, the *Hanses* have constantly exercised their Comerce in the said Countreys, and yet nevertheless, in the mean time enjoyed their Trade in *England*, with all Rights depending thereupon.

From all which, it is concluded,

1 That the pretences of the *Informers* are unjust against the *Stillyard*, by which they seek to invade without just cause, a Right due to another, against that most general Law of all others, *Quæ tibi non vis fieri, alteri ne feceris*; contrary to Christian Charity, and repugnant even to the Laws of *England*, which never deviate from the Laws of God and Nature.

2 And

2 And therefore their Arguments ought not to be heard, but rejected.

3 Yea to be esteemed as prejudicial and derogatory to the Honor of the English Nation; whilest they are so bold under the false Representation of a small lucre of Two thousand pounds *per an.* to violate an Amity of Four Ages, the entercourse of the Commerce of all *Germany* almost, and especially the Faith and Constancy of so many Treaties and Agreements: Not at all observing (to omit many other) how much benefit the people of *England* have thence reaped within few years past, in their great necessitie, by the supply alone of all manner of Corn, and how much *Hamburgh* to this day, and *Lubeck* now lately have accommodated this Nation, by permitting them liberty to pass their Commodities and Merchandises by their Ports.

4 And on the other side, That the *Hanse-Cities* ought without any violation be left peaceably in their Possession and Right.

5 And that no Man ought to be permitted to make any attempts in prejudice thereof.

6 Which if the Affair be rightly esteemed, will be both glorious to the *English* Nation, and also as to the Publick of very great advantage and benefit.

And therefore I do in the name of the said Cities, and the whole Society of the Confederate *Hanses* pray,

1 THat such Informations, and the like attempts against the manifest and known Rights of the *Stillyard*, may be altogether rejected and suppressed.

2 That if any Question do arise touching the said House, or the Rights thereof, the same may according to the Custom of Nations, and as hitherto hath been observed between *England* and the said *Hanse-Cities*, be reserved and referred to amicable Treaty between this Commonwealth and the said Cities.

3 That all things in the interim may remain intire and inviolate, and in particular, That the Exemption from Taxes, both Real and Personal, which the Inhabitants of the *Stillyard* have hitherto enjoyed, may be preserved unto them without any breach, according to the Antient Priviledges.

4 And

4 And lastly, That the Freedom of Trade throughout the Dominions of *England*, as hitherto, so also for the future, without any Restriction, may peaceably be permitted to the said *Hanse*-Merchants, as well for the preservation as augmentation of mutual Commerce between the People of *England* and *Germany*.

LONDON,
3 *August*,
1659.

Martin Boekell
Counsellor to the Commonwealth of *Lubeck*, and Special Envoy of the Society of the *Hanse-Cities*.

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